

United States Senate

Special Committee on Aging

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Testimony of Robin Adair Warjone
Seattle, Washington

Matter Subject

A very competent person, aged 56, defendant in suit requesting a guardianship be placed on her as an “alleged incapacitated person lacking the capacity to manage her person or estate”; and describing her held as a sort of hostage by the guardianship process for 11 months, totally destroying her financially, and making her ill and ‘sleepless’ (in Seattle) for almost 3 years, now!!

In May 2000 I was 56 years old with grown children - 30, 31, and 26. I lived in my own home with a high yearly income (\$140,000), and a vigorous investing program including T-Bills, IRAs and a small portfolio. I would have had \$7,000 each month after I was 65.

After my divorce I'd left behind an exhausting life as a "professional" executive wife and I stopped entertaining, and gave up as much cooking and cleaning as I could possibly manage. And I was living very happily in my messy house, I had a small antique shop in a large mall and it was the gathering items for the shop which I enjoyed_ and that made for dozens of boxes of "stuff" piled up ready to label and haul to my shop. I had a new man friend. I remember how often the stars were spread in all their glory across the night sky that winter. I was perhaps as happy as I'd been in 15 years!

Today after being, nearly destroyed financially, emotionally by a guardianship suit which lasted from May 18, 2000 until March 29, 2001 and cost me all I had: Portfolio, IRAs, T-Bills. My income ends in 5 years and I will have nearly nothing after that time.

In my typed Addenda "A" I describe some of the policies of the guardianship court and process, and some of the actions of its agent (the court appointed investigator _ G.A.L. (Guardian Ad Litem)) which caused the wreckage of my life. Here I will discuss even worse abuses of the system against me.

I had the first hint that trouble was coming in spring 2000 when my lawyer completed revision of my revocable trust and phoned my 3 children to come in and sign it. And they refused, saying "Our lawyers advised against it", and "they said it will make us responsible for your debts." Wow_I thought_pretty rotten financial advice! Full inheritance without probate isn't such a bad deal!

On May 18, 2000 A stunning and beautiful Seattle day the nightmare

began. A ratty little man rang my door bell and thrust a law suit into my hands. It was a “petition for guardianship” naming me as an “alleged incapacitated person” and listing my 3 children as the plaintiffs!

I was Horrified!!

I knew they hadn’t read the statute_hadn’t done their homework_and must have had some pretty ruthless lawyers urging them into this extreme, almost violent action. Later they explained: “We didn’t want to have to take care of you when you were old.” And one volunteered: “I asked the lawyers_How we could get control of our mother? They said that was a constitutionally impossible request_except by one method: A Guardianship Suit!!” [I call this the “Capone Trick”_couldn’t get him on racketeering or murder or prohibition violations: but sure could by income tax evasion!!]

What does this tell you about Guardianships? (See Diane Armstrong’s book *The Retirement Nightmare* for more !!)

A court appointment was made for the case investigator. I hired a top notch private law firm because I had just learned that almost no one escapes a guardianship suit. Perhaps 6% mostly those who have the time and money to persist! And I learned that anyone may file a suit against anyone else_even if they do not know the other person; they have only to list their “Allegations” (unprovable statements against the defendant) knowing these do not have to be provable.

The guardianship court does not provide attorneys for those who cannot afford one. Now that court will decide whether a person will lose: His legal identity (part of the process the guardianship assumes as its right (ie, suspending all constitutional and civil rights and protections of a convicted defendant by fiat), as well as losing control of his person, and of his goods and assets, of his decisionmaking rights, his health decisions, his right to an Attorney, etc, etc.

See that graphic poster chart - - listing these things in the wording of the

guardianship paper work)

That can happen to you - no one is immune!! It happened to me (Robin) and it can happen to you!! Also be aware there is no indictment or screening process - - you get served this paper and you come out of the gate running: There is also no review process, no oversight, and no checks and balances to the system.

Take a minute and count the checks in the margin of page three: And these are only the things you must face before the decision process begins which then determines whether you will become a person without a legal identity and completely at the mercy of others (truly at their mercy: One without a legal identity is no better than a slave in the old south or a prisoner in a concentration camp!!!)

In May I requested my Attorneys restrained the G.A.L. from talking to me without an Attorney present. In spite of this the G.A.L. rushed to my house and demanded entrance to examine my life style. I refused!

Next the G.A.L. had to read me the petition by law. So he came to my lawyers nice offices. After the reading my lawyers questioned him. First question, "Well, Mr. W., you are to write a report (one report) upon which the court will make its decision about the capacity of our client? Yes? And how do you go about doing your investigation for your report? The G.A.L. without missing a beat replied as follows: "Well, by the nature of the report, I have to rely almost solely on hearsay and gossip for my report information". Well as you can imagine all the lawyers and me found their heads snapping to attention at these words!! Can you imagine!! (and the G.A.L. was himself a lawyer!!)

Now began the G.A.L.'s harrassment of me. (See Addenda 'A') He cancelled the 30-day (after the suit was served) hearing [The logical

place when the court should have thrown out the suit and apologized to me!]

The G.A.L. didn't begin his "research" on me until August, the fourth month after the law suit had been served. In addition to contacting my trustee, my doctor, my accountant, my brother_all good references. He even called my former husband_no doubt after some of that hearsay and gossip (and he did, finally and he featured it prominatly when he finally wrote his first report (November!)

In July I had to sell the first (major) investment but out this unhappy experience my lawyers and I got another view of this miserable excuse for a law court. With the sale money I paid my lawyers \$20,000 (2 months fees) and took the rest of the capital and I invested it in a small rental house (which I estimated would earn me an equivalent amount to replace the interest income on the other, sold investment.) But all Hell suddenly broke out!! The G.A.L. rushed to court and scheduled an emergency hearing with 4 days notice to us. The children were trying to stop buying the little house!

My lawyers did a "precedent search" which went far enough back that they found what they needed in 1852! A guardianship case where the defendant had the same problem I did. But the court ruled that an accused person retains all constitutional and civil rights!

When my lawyer explained to the court the judge (commissioner) said: "Very good work Mr. Mindrchio!" But the G.A.L. rushed the bench and yelled "I'm going to go to her mortgage broker and tell her Robin is a defendant in a guardianship case!" The commissioner spoke and enjoined the G.A.L. from doing that! (So one of my daughter's jumped up and shouted "then I'm going to go!") It wasn't a court it was a mad house!!

Do you see: Neither the G.A.L. nor the kids' lawyers knew the law! Some court! At least the commissioner who didn't know the law either

made a gracious recovery!

At the end of the summer, after 2 more hearings, my Attorneys realized that the court commissioner(s) [Judges] did not know that I was the defendant: They thought I was one of the defense team! But what this illustrated was: no continuity with this court and its Judges! And without a good presiding judge for my case what protection did I have from this loose-cannon G.A.L?

My lawyers decided to appeal to the regular part of the Washington State Superior Court for a jury trial. But the superior court sent us back to the “ex parte and probate” court and wait for that court to give its decision first. It was quite a blow!

During all these months the G.A.L. is moving from one thing to another trying anything to convict me! And meanwhile to delay. He decided he had to see my entire 15 years of medical records with my psychiatrist (neurologic disorder). But Dr. B. refused giving only what the law required so he delayed 2 months trying to get them anyway! One of my children wanted to see my sealed divorce papers and held up the proceedings for 3 weeks with the G.A.L.’s help.

The G.A.L. finally produced “his report” 27 pages long! With not one thing right! He misquoted me, the lawyers, even some of the “witnesses.” He took 5 pages repeating one of the children’s allegations and lecturing me (i.e. that I hadn’t paid my income tax in 3 years!) I walked over to the IRS and got a print out and slapped it into the G.A.L.’s hands and asked him why he hadn’t asked me? (Idiot!!) We rejected his first report!!

And my attorneys asked the court to stop the children from continuing to add more and more charges against me! And that was granted! The commissioners then the G.A.L. announced he was going to get his own

psychiatrist to test me! Another attempt to set me up in a situation he controlled and could use to convict me!!

My lawyers worked for 8 months trying to convince the solution he finally did use my “revocable trust” to convey some control. So he rewrote the trust to make the trustee a “Co-T” (therefore a sort of guardian). 6 long wasted months.

There is more _much more_ but this is enough for now!

There is no Jeopardy in these cases. I could be filed again tomorrow and face the same kind of fight!